

Attorney Docket No.: F7752(V)
Serial No.: 10/583,421
Filing Date: June 19, 2006
Confirmation No.: 1710

REMARKS

Election/ Restrictions

The Examiner has restricted the following inventions:

Group 1: Claim(s) 1-10 drawn to a product.

Group 2: Claim 11-12 drawn to a product.

Group 3: Claim 13-15 drawn to a process.

Applicants elect with traverse **Group 1** which encompasses claims 1-10 drawn to a product (Edible barrier). The basis for the traverse is discussed below.

Amendments to the Claims

Claim 1 was amended without prejudice to recite a preferred embodiment of applicants invention that is more clearly differentiated from the prior art. Amended claim 1 specifies that the lipid material recited in claim 1 is an edible oil, fat or wax as disclosed on page 7, lines 16-20 of the specification.

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Traverse of Restriction

The Examiner held that Groups 1-3 did not relate to a single general inventive concept under PCT rule 13.1 because, under rule 13.2, they lack the same or corresponding special technical feature for the following reason. The invention share a common technical feature of cross-linked biopolymer edible barriers. Citing Seaborn (US Pat. No. 4,661,359), which was cited in PCT search report for International Application PCT/EP2004/013327, the Examiner asserted that biopolymer edible barriers are known in the art and therefore is not a special technical feature.

Claim 1 has been amended to bring it in line with the amended claims recited in the International Application PCT/EP2004/013327 and recited in issued European Patent No. EP1699304. Applicants were informed in a Rule 71(3) EPC communication dated June 25, 2008 that the Examining Division intends to grant a European patent on the basis the amended claims 1-15. Thus amended PCT claims 1-15 were held to be patentable over Seaborg, and therefore claims 1-15 also satisfy the requirements for unity of invention. Consequently, the inventions share a common special technical feature.

Since amended claims 1-15 in the current application are essentially the same as the PCT amended claims and the Issued EP patent, they should share a common special technical feature and should not be subject to a restriction requirement.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael P. Aronson", written over a horizontal line.

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